



City Council
Agenda Memo

City Council Meeting Date: 8/13/2015

TO: Robert Hanna, City Manager

FROM: Jon James, AICP Director of Planning and Development Services

SUBJECT: Ordinance: (Final Reading) TC-2015-05 A request from Michael Pritchard to abandon: Bacon Dr, west of Lincoln Dr a distance of approximately 175 feet; and an east-west alley south of Bacon Dr a distance of approximately 233 feet.

GENERAL INFORMATION

This is an unimproved section of street and alley that exists west of Lincoln Dr. The right-of-way (ROW) was dedicated with the plat for the subdivision but was never improved. The request is to abandon the street and alley west of Lincoln Dr so that the land can be combined to create a larger lot for a single-family home. There are sewer lines than are located in each of these rights-of-way. There are also other utilities that will need to remain or relocated.

The abandonment of the road and alley would not create any block or traffic issues. However, Bacon Dr does provide frontage for the large property to the west. Additionally, there is a north-south alley that extends north from Bacon Dr. The closure of Bacon Dr would eliminate the street frontage of the property to the west as well as cause a dead-end alley. There are some utilities within the street and alleys and any existing utilities will require an easement or be relocated and be the responsibility of the developer.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Plat Review Committee: The Plat Review Committee recommends **denial** of the requested closure of Bacon Dr. The Plat Review Committee recommends **approval** of the requested closure with the following conditions:

1. Provide appropriate drainage easements and utility easements as needed.
2. The adjacent properties must be replatted within 12 months. The replat must not create any non-conforming lots.

Staff Recommendation: Approval per the Plat Review Committee. The request would not create any block issues.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of the south ½ of Bacon Dr (±30') and the alley by a vote of 6 in favor (Bixby, Calk, Dunnahoo, Ellinger, Rosenbaum, & McClarty) and none opposed

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Ordinance	Ordinance
<input type="checkbox"/> Exhibit	Exhibit
<input type="checkbox"/> Staff Report	Ordinance
<input type="checkbox"/> Petition	Backup Material

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That the following described portion of a Public Right of Way, as described on Exhibit "A," attached hereto and made a part of this ordinance for all purposes, be, and the same is hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned, subject to conditions as stated in Exhibit A.

PART 2: That said portion of a Public Right of Way is not needed for public purposes and it is in the public interest of the City of Abilene to abandon said described portion of a Public Right of Way.

PART 3: That the abandonment provided for herein shall extend only to the public right, title and easement in and to the tracts of land described in Part 1 of this ordinance, and shall be construed only to that interest the governing body of the City of Abilene may legally and lawfully abandon.

PASSED ON FIRST READING this 23rd day of June, A.D. 2015.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 19th day of June, 2015, the same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on second and final reading.

PASSED ON FINAL READING THIS 13th day of August, A.D. 2015.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ZONING CASE TC-2015-05

STAFF REPORT



APPLICANT INFORMATION:

Michael Pritchard

HEARING DATES:

P & Z Commission: July 6, 2015

City Council 1st Reading: July 23, 2015

City Council 2nd Reading: August 13, 2015

REQUESTED ACTION:

Abandon: Bacon Dr, west of Lincoln Dr a distance of approximately 175 feet; and an east-west alley south of Bacon Dr a distance of approximately 233 feet

SITE CHARACTERISTICS:

This is an unimproved section of street and alley that exists west of Lincoln Dr. The right-of-way (ROW) was dedicated with the plat for the subdivision but was never improved. The request is to abandon the street and alley west of Lincoln Dr so that the land can be combined to create a larger lot for a single-family home. There are sewer lines that are located in each of these rights-of-way. There are also other utilities that will need to remain or relocated.



REQUEST ANALYSIS:

The abandonment of the road and alley would not create any block or traffic issues. However, Bacon Dr does provide frontage for the large property to the west. Additionally, there is a north-south alley that extends north from Bacon Dr. The closure of Bacon Dr would eliminate the street frontage of the property to the west as well as cause a dead-end alley. There are some utilities within the street and alleys and any existing utilities will require an easement or be relocated and be the responsibility of the developer.

RECOMMENDATIONS:

Plat Review Committee: The Plat Review Committee recommends **denial** of the requested closure of Bacon Dr. The Plat Review Committee recommends **approval** of the requested closure with the following conditions:

1. Provide appropriate drainage easements and utility easements as needed.
2. The adjacent properties must be replatted within 12 months. The replat must not create any non-conforming lots.

Staff Recommendation: Approval per the Plat Review Committee. The request would not create any block issues.

PLANNING AND ZONING COMMISSION:

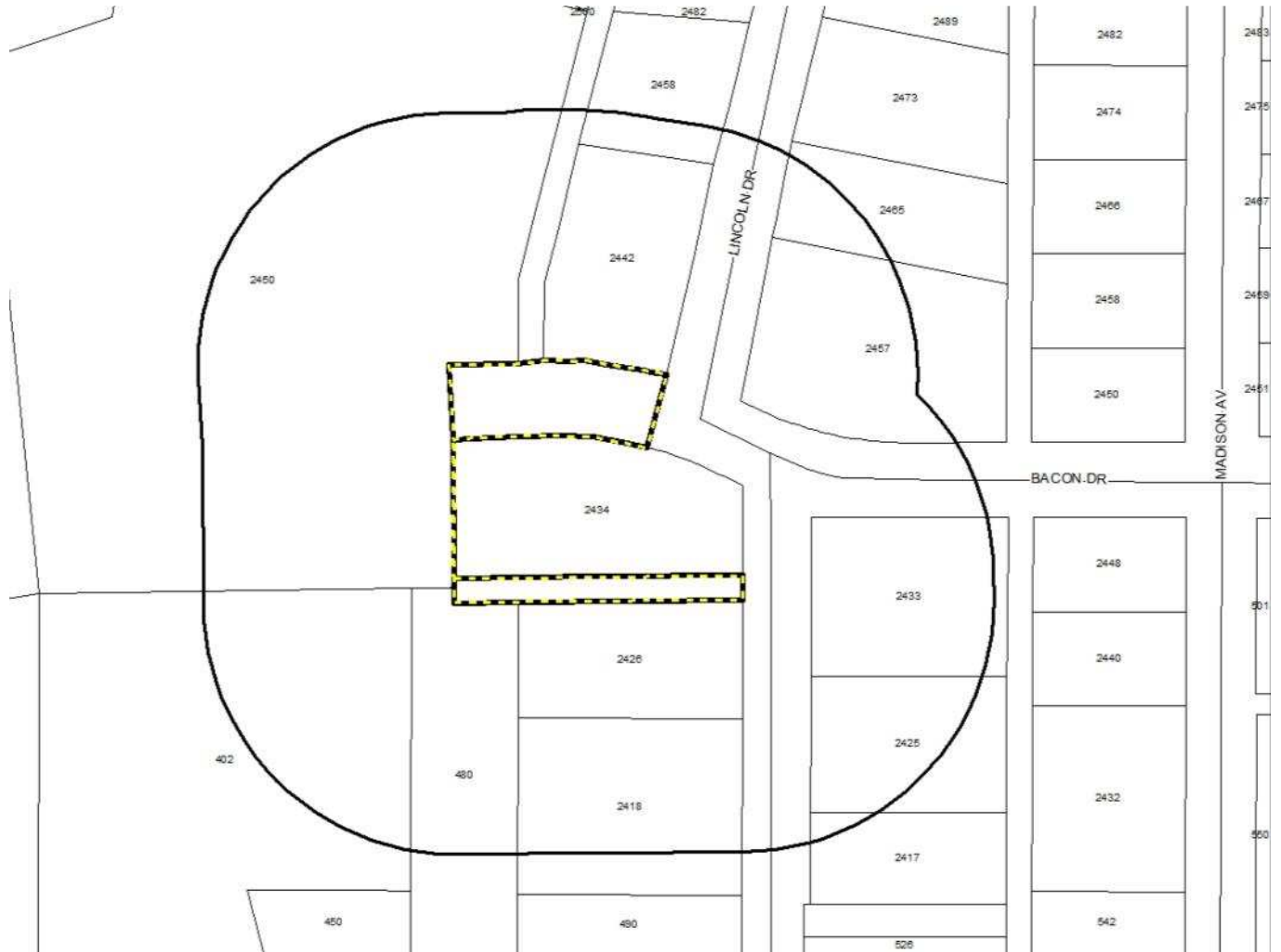
The Planning and Zoning Commission recommends approval of the south ½ of Bacon Dr (±30') and the alley by a vote of 6 in favor (Bixby, Calk, Dunnahoo, Ellinger, Rosenbaum, & McClarty) and none opposed.

NOTIFICATION:

Property owners within the 200' of the subject rights-of-way were notified.

OWNER	ADDRESS	RESPONSE
PRITCHARD MICHAEL JOE	2434 LINCOLN DR	
CAMPBELL ROBERT M & DOROTHY J	2417 LINCOLN DR	
HEARD CHARLES R & LINDA K	2425 LINCOLN DR	
PRITCHARD MICHAEL JOE	2426 LINCOLN DR	
HEARD CHARLES R & LINDA K	2433 LINCOLN DR	
TALBOT MAGGIE MILLER	2458 LINCOLN DR	
CROMWELL SUSAN KAYE	2442 LINCOLN DR	
MOORE TROY & CLARA L	2457 LINCOLN DR	
CROMWELL SUSAN KAYE	2450 LINCOLN DR	
DECKER WILLIAM B	402 E AMBLER AV	
DECKER WILLIAM B & MARY JO	2418 LINCOLN DR	
DECKER MARY JO	480 E AMBLER AV	
RAMA RONNIE & BEVERLY	2465 LINCOLN DR	

0 in Favor- **Y**
0 Opposed- **N**









Charles E and Billie Bobo relocated to Abilene in 1999 due to failing health to be close to their daughter, Kaye Cromwell. They purchased the property at 2450 Lincoln Drive recognizing the potential for further development as a legacy for their grandchildren and great grandchildren. Charles and Billie passed within months of each other in 2000 while I was deployed to Bosnia with the Army. Kaye inherited this home with hopes of continuing the dream.

Michael Pritchard has petitioned the City of Abilene to abandon Bacon Drive that extends West from the intersection of Bacon Drive and Lincoln Drive.

1. This will have an adverse impact on the value of the property at 2442 and 2450 Lincoln Drive. Any future development of the 4.79 acres will necessitate construction of a new Bacon Drive offset extension, relocation of city utilities and sacrifice of the lot on Lincoln Drive.
2. Construction or landscaping on the abandoned portion of Bacon Drive will severely alter the storm water drainage. Currently the storm water from Bacon Drive is diverted along the property line on the South side of Bacon Drive. Diverting the drainage to the North side will cause flooding in the house at 2450 Lincoln. To maintain the current drainage would make the abandonment of Bacon Drive pointless.
3. The city will give Mr Prichard the equivalent of a city lot 70' x 200' at no cost at the future expense of Charles H & Kaye B Cromwell.

We the undersigned oppose the abandonment of Bacon Drive:

NAME

ADDRESS

Chris H. Powell

2450 Lincoln

Robert Campbell

2417 Lincoln

Robert & Lydia Leard

2433 Lincoln Dr.

Maggie Jacob

2458 Lincoln Dr.

Tommy Whorton

2534 Lincoln Dr.